

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INWOOD MATERIAL TERMINAL, LLC
Employer

and

Case 29-RD-206581

CARLOS CASTELLON
Petitioner

and

UNITED PLANT & PRODUCTION WORKERS
LOCAL 175 P
Intervenor

DECISION ON REVIEW AND ORDER

The issue presented in this case is whether the Regional Director correctly found that there was no contract bar in place at the time the Petitioner filed a decertification petition in the above-captioned case.

On February 20, 2018, the Regional Director issued a Decision and Direction of Election, in which she found that a collective bargaining agreement, which the Petitioner alleged was effective as of July 17, 2017, was not a bar to proceeding with the petitioned-for decertification election. Thereafter, in accordance with Section 102.67 of the Board's Rules and Regulations, the Intervenor filed a timely request for review. The Employer filed an opposition.

On May 7, 2018, the Board granted the Intervenor's request for review with respect to whether the parties' emails were sufficient to constitute a signed agreement that would establish a contract bar. Thereafter, the Intervenor and Employer filed briefs on review. The Board also accepted amicus briefs from the law firm of Weinberg, Roger & Rosenfeld and from the National Right to Work Legal Defense Foundation. The Employer also filed briefs in response to each amicus brief.

Pursuant to the Decision and Direction of Election, an election was held on March 8, 2018. The Tally of Ballots shows none for and 11 against the Intervenor, with one nondeterminative challenged ballot. The Intervenor thereafter filed timely objections. On May 2, 2018, the Regional Director issued a Decision on Objections and Certification of Results, overruling all of the Intervenor's objections. Thereafter, the Intervenor filed a timely request for review of the Regional Director's Decision on

Objections and Certification of Results. The Employer has not filed an opposition to the request.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel. Having carefully considered the entire record in this proceeding, including the briefs on review and the amicus briefs, we affirm the Regional Director's Decision and Direction of Election.¹ We also deny the Intervenor's Request for Review of the Regional Director's Decision on Objections and Certification of Results as it raises no substantial issues warranting review.

ORDER

The Regional Director's decision to proceed with processing the decertification petition is affirmed.

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., January 30, 2019.

¹ In affirming the Regional Director's Decision and Direction of Election, we agree with the Regional Director that, while an exchange of emails can constitute a signed agreement that triggers the contract bar, the facts of this case do not indicate that the email exchange between the parties here was sufficient to execute the agreed-upon collective-bargaining agreement. We note, however, that we would consider, in a further appropriate proceeding, implementing the requirement that a single, signed document be present in order to establish a contract bar.